UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/497,587	LIWERANT ET AL.
	Examiner	Art Unit
	Dominic D Saltarelli	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 August 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26 and 29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26 and 29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 3, 5, 7-10, 14-20, 24-26, and 29 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Gould et al. (5,563,649, of record) [Gould] in view of

Hjelsvold et al. (6,546,555, of record) [Hjelsvold].

Regarding claim 1, Gould discloses a method of sharing a video segment

over a computer network (col. 2, lines 18-27, 41-47 and col. 11, lines 45-62),

comprising:

Acquiring a video segment from a sender (col. 9 line 62 – col. 10 line 21);

Accepting an indication of an intent from the sender to send the video

segment over the computer network to a recipient (col. 4, lines 38-46 and col. 9

line 62 – col. 10 line 21); and

In response to the indication accepted (col. 3 line 66 – col. 4 line 9, and

col. 4, lines 15-18), automatically:

Creating an identifier for the video segment (summary information, col. 3,

lines 53-57, 61-65); and

Sending the video segment and the identifier over the computer network

(col. 11, lines 45-62) to the recipient at a receiving computer (col. 4, lines 55-60).

Gould fails to disclose the step of assuring the video segment is in a streaming video format.

In an analogous art, Hjelsvold teaches assuring video content is in streaming format (col. 9, lines 7-12, 28-33), for the advantage of properly and uniformly providing streaming format videos, a format specially designed for the transmission of video over computer networks.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Gould to include the step of assuring the video segment is in a streaming video format, as taught by Hjelsvold, for the advantage of properly and uniformly providing streaming format videos, a format specially designed for the transmission of video over computer networks.

Regarding claim 3, Gould and Hjelsvold disclose the method of claim 1, and further disclose storing temporarily (Gould, col. 6, lines 35-38, 46-49) the video segment in streaming multimedia format (Hjelsvold, col. 9, lines 7-12) prior to its transfer over the computer network.

Regarding claim 5, Gould and Hjelsvold disclose the method claim 3, and further disclose deleting the temporarily stored video segment and the temporarily stored still image from the temporary storage location (Gould, col. 6, lines 35-37, 46-49).

Regarding claim 7, Gould and Hjelsvold disclose the method of claim 1, and further disclose the video segment comprises an image portion and an audio portion (Gould, col. 3, lines 54-57).

Regarding claim 8, Gould and Hjelsvold disclose the method of claim 1, and further disclose compressing the video segment (Gould, col. 6, lines 6-26) after the assuring step (Hjelsvold, col. 9, lines 7-12) and before the sending step (Gould, col. 6, lines 27-38).

Regarding claim 9, Gould and Hjelsvold disclose the method of claim 1, and further disclose sending the video segment with indicia (Gould, col. 3, lines 54-58) consisting of an identifier of the sender of the file (Gould, col. 3, lines 61-62).

Regarding claim 10, Gould discloses a method of sharing a video segment over a computer network (col. 2, lines 18-27, 41-47 and col. 11, lines 45-62), comprising:

Acquiring a video segment from a sender (col. 9 line 62 – col. 10 line 21);

Accepting an indication of an intent from the sender to send the video segment over the computer network to a recipient (col. 4, lines 38-46 and col. 9 line 62 – col. 10 line 21); and

In response to the indication accepted, automatically:

Creating an identifier for the video segment (col. 3, lines 53-57, 61-65); and

Sending the video segment and the identifier over the computer network (col. 11, lines 45-62) to the recipient at a receiving computer (col. 4, lines 55-60); and

Sharing the video segment (col. 4, lines 10-14) over the computer network (col. 11, lines 45-62) to a viewer for display (col. 4, lines 55-60).

Gould fails to disclose the step of assuring the video segment is in a streaming video format and distributing the video segment as a streaming video segment.

In an analogous art, Hjelsvold teaches assuring video content is in streaming format (col. 9, lines 7-12, 28-33) and subsequently distributing a video segment as a streaming video segment (col. 9, lines 33-39), for the advantage of providing streaming format videos, a format specially designed for the transmission of video over computer networks.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Gould to include the step of assuring the video segment is in a streaming video format and distributing the video segment as a streaming video segment, as taught by Hjelsvold, for the advantage of providing streaming format videos, a format specially designed for the transmission of video over computer networks.

Regarding claim 14, Gould and Hjelsvold disclose the method of claim 10, but fail to disclose the step of sharing the video segment comprises checking an access privilege associated with the video segment.

In a related field of endeavor, Hjelsvold teaches checking an access privilege associated with a video segment (col. 3, lines 33-37) before distributing the video segment, for the advantage of restricting access to video segments to authorized users.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Gould and Hjelsvold to include checking an access privilege associated with the video segment in the step of distributing the video segment, as taught by Hjelsvold, for the advantage of restricting access to video segments to authorized users.

Regarding claim 15, Gould discloses a system for sharing a video over a computer network, comprising:

A first module for acquiring a video segment (col. 9 line 62 – col. 10 line 21);

A second module for generating an identifier associated with the video segment (summary information, col. 3, lines 53-57, 61-65);

A third module for accepting from the sender an indication of intent to send the video segment to a recipient at a receiving computer (col. 4, lines 15-18, 38-42); and

A fifth module for automatically sending the video segment and the identifier from the sender over the computer network (col. 11, lines 45-62) to the recipient at the receiving computer (col. 4, lines 55-60).

Gould additionally discloses the video recipient (fig. 1, item 13) is a computer adapted to be connected to other computers over the computer network (col. 3, lines 29-43 and col. 10, lines 60-65) and includes a sixth module for automatically receiving the video segment and its associated identifier sent by the first computer over the computer network (col. 4, lines 55-60) and a storage for the received video segment (fig. 4A-2, item 133).

Gould also discloses the video segments are further distributable after being sent from the fifth module (col. 10, lines 60-65) over a LAN, implicitly suggesting a distribution limitation of the system, as LAN's can serve only a limited area an number of users.

Gould fails to disclose:

A fourth module for automatically assuring that the video segment is in a streaming video format; and

A second computer comprising a central repository, the second computer having operating on it:

A seventh module for storing the video segment and associated identifier in the central repository, whereby the video segment and its associated identifier are transferred to and stored in the centralized repository.

In a related field of endeavor, Hjelsvold teaches automatically assuring that the video segment is in a streaming video format (col. 9, lines 7-12, 28-33) (a format specially designed for the transmission of video over computer networks) and a second computer (fig. 1, items 10 and 13) comprising a central repository (fig. 1, item 13), whereby video segments (fig. 1, item 11) and associated identifiers (fig. 1, item 12) are transferred to and stored (col. 4, lines 22-37), for the advantage of being able to distribute individual streaming videos over a large network to a large number of users (Abstract, lines 1-3).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Gould to include a fourth module for automatically assuring that the video segment is in a streaming video format and a second computer comprising a central repository, the second computer having operating on it a seventh module for storing the video segment and associated identifier in the central repository, whereby the video segment and its associated identifier are transferred to and stored in the centralized repository, as taught by Hjelsvold, for the advantages of utilizing streaming video, a format specially designed for the transmission of video over computer networks, wherein said streaming video is able to be shared over a large network to a large number of users.

Regarding claim 16, Gould and Hjelsvold disclose the system of claim 15, and further disclose the first module comprises a video machine (Gould, fig. 1, item 11) capable of accessing a preexisting video (Gould, col. 4, lines 46-54).

Regarding claim 17, Gould and Hjelsvold disclose the system of claim 15, and further disclose the first module is adapted to provide a video segment (Gould, col. 4, lines 46-54) comprising an image portion and an audio portion (Gould, col. 3, lines 54-58).

Regarding claim 18, Gould and Hjelsvold disclose the system of claim 15, and further disclose a module adapted to compress the video segment into a machine-readable file smaller then the video segment (col. 6, lines 6-26).

Regarding claim 19, Gould and Hjelsvold disclose the system of claim 15, and further disclose the central repository is adapted to record information indicating a storage location of the video segment, an inherent feature, since all forms of digital storage include in them information detailing the location of the raw data contained within, such as which partitions on a hard drive a particular file occupies or the memory address of a file within a transistor memory (RAM, ROM, etc.).

Regarding claim 20, Gould and Hjelsvold disclose the system of claim 15, and further disclose a module adapted to share the video segment over the computer network (Gould, col. 10, lines 60-65 and Hjelsvold, col. 9, lines 34-38) for display as a streaming video segment (Hjelsvold, col. 9, lines 7-12).

Regarding claim 24, Gould discloses a computer program recorded on a machine-readable medium, comprising:

A module adapted to acquire a video segment from a sender (col. 9 line 62 – col. 10 line 21);

A module adapted to acquire an indication of intent to send the video segment from the sender to a recipient (col. 4, lines 15-18, 38-42) over a computer network to the recipient (col. 11, lines 45-62); and

A module adapted to automatically generate an identifier for the video segment (col. 3, lines 53-57, 61-65); and

A module adapted to automatically transfer the video segment and its associated identifier as a machine-readable file over the computer network (col. 11, lines 45-62); whereby the video segment (col. 4, lines 30-34 and/or col. 4, lines 46-50) and its associated identifier are created (col. 3, lines 60-65), associated (col. 3, lines 54-58) and transmitted over a computer network (col. 11, lines 45-49) to a remote computer (col. 4, lines 55-60) for recording in the computers memory (col. 4, lines 62-65), the transfer to the recipient occurring in response to the indication of intent to send from the sender (col. 4, lines 38-41).

Gould also discloses the video segments are further distributable after being sent (col. 10, lines 60-65) to the remote computer over a LAN for further distribution, implicitly suggesting a distribution limitation of the system, as LAN's can serve only a limited area an number of users.

Gould fails to disclose the remote computer includes a central repository wherein the video segment and associated identifier are transferred to and recorded.

In a related field of endeavor, Hjelsvold teaches a second computer (fig. 1, items 10 and 13) comprising a central repository (fig. 1, item 13), whereby video segments (fig. 1, item 11) and associated identifiers (fig. 1, item 12) are transferred to and stored (col. 4, lines 22-37), for the advantage of being able to distribute individual video segments over a large network to a large number of users (Abstract, lines 1-3).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Gould to include in the second computer, a central repository, wherein the central repository is for storing the video segment and associated identifier, as taught by Hjelsvold, for the advantage of being able to distribute individual video segments over a large network to a large number of users.

Regarding claim 25, Gould and Hjelsvold disclose the computer program
of claim 24, and further disclose a module adapted to automatically compress the
video segment (Gould, col. 6, lines 6-26).

Regarding claim 26, Gould and Hjelsvold disclose the computer program
of claim 24, and further disclose a module adapted to automatically decompress
a video segment (Gould, col. 10, lines 21-29) selected from the set of video
segments (Hjelsvold, col. 3, lines 14-17) recorded in the central repository
(Hjelsvold, fig. 1, item 13), the video segment having been received over the
computer network from the central repository (Gould, col. 10, lines 60-65 and
Hjelsvold, col. 3, lines 9-24).

Regarding claim 29, Gould discloses a method for sharing video images ()
comprising:

Tagging a video image with an identification tag (summary information
which is included with each video, col. 3, lines 60-65);

Supplying said identification tag to an addressee upon the request of the
sender (sender requests initiate video transmission, col. 4, lines 38-46, wherein
the summary information for each video is included in said transmission); and

Serving said video image to said addressee upon request of the
addressee (col. 10 line 48 – col. 11 line 5).

Gould fails to disclose uploading a video image from a sender to a video server.

In an analogous art, Hjelsvold teaches a central repository (fig. 1, item 13), whereby video segments (fig. 1, item 11) and associated identifiers (fig. 1, item 12) are transferred to and stored (col. 4, lines 22-37), for the advantage of being able to distribute individual videos over a large network to a large number of users.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Gould to utilize a video server, as taught by Hjelsvold, to where the videos would first be uploaded, for the benefit of sharing a single video with a large number of recipients, which would conserve both bandwidth and processing time, as the sender would only have to transmit the video once, and multiple copies would be transmitted from the dedicated server.

3.   Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould and Hjelsvold as applied to claim 1 above, and further in view of Edgar et al. (5,537,530) [Edgar].

Regarding claim 2, Gould and Hjelsvold disclose the method of claim 1, and additionally disclose the assuring step comprises:

Determining if a format of the video segment is compatible with a streaming video format (Hjelsvold, col. 9, lines 7-12);

If the result of the determination is negative, converting the video segment to a temporary, uncompressed video segment in a format (Gould, col. 6, lines 59-65) that is compatible with a streaming video format (since the transcoding taking place is for a compressed streaming format); and

Converting the video segment present after the conclusion the determining step and the conversion to uncompressed format step into a streaming multimedia format (Hjelsvold, col. 9, lines 7-12); and

Transferring over the computer network (Gould, col. 11, lines 45-62) to the receiving computer (Gould, col. 4, lines 55-60) the temporarily stored video segment (Gould, col. 6, lines 35-38) together with the identifier (Gould, col. 3, lines 53-57, 61-65).

Gould and Hjelsvold additionally disclose reviewing video prior to sending for editing and review purposes (Gould, col. 5, lines 57-67).

Gould and Hjelsvold fail to disclose the step of creating an identifier comprises:

Creating and storing a still image characteristic of the video segment, the still image being encoded in a format suitable for display as a single invariant frame.

In a related field of endeavor, Edgar teaches creating and storing a still image characteristic of a video segment (col. 3, lines 53-66 and col. 4, lines 28-33), the still image being encoded in a format suitable for display as a single

invariant frame (fig. 2), for the advantage of allowing a user to determine the contents of the video segment with which the still image is associated.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Gould and Hjelsvold to include creating and storing a still image characteristic of the video segment, the still image being encoded in a format suitable for display as a single invariant frame, as taught by Edgar, for the advantage of allowing a user to determine the contents of the video segment with which the still image is associated.

Regarding claim 4, Gould, Hjelsvold, and Edgar disclose the method of claim 2, and further disclose storing the transferred video segment and the still image in a storage medium under the control of the receiving computer (Gould, col. 4 line 55 – col. 5 line 9).

4.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gould and Hjelsvold as applied to claim 1 above, and further in view of XP-002149004 "RealVideo Content Creation Guide" (provided by applicant on form 1449 on December 18, 2000).

Regarding claim 6, Gould and Hjelsvold disclose the method of claim 1, and also disclose the video segments are further distributable after being sent (Gould, col. 10, lines 60-65) to the remote computer over a computer network for

further distribution, but fail to disclose requesting the sender of the video segment to select a method of distribution of the video segment to the recipient.

In a related field of endeavor, XP-002149004 teaches making a video request to a sender (page 67, figure, item 4, and page 68, lines 8-10) of a video segment (page 67, lines 1-6) to select a method of distribution (page 67, lines 14-15 and page 68, lines 8-12) of the video segment to a viewer, for the advantage of optimizing the method of distribution of the video segment to the viewer.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Gould and Hjelsvold to include requesting the sender of the video segment to select a method of distribution of the video segment to the recipient, as taught in XP-002149004, for the advantage of optimizing the method of distribution of the video segment to the viewer.

5.   Claims 11-13, 21, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould and Hjelsvold as applied to claims 10 and 15 above, and further in view of XP-002150023 "Streaming Email" (provided by applicant on form 1449 on December 18, 2000).

Regarding claim 11, Gould and Hjelsvold, disclose the method of claim 10, but fail to disclose transmitting link information that the recipient can employ to request the transmission of a specific video segment for display as a streaming video segment.

In a related field of endeavor, XP-002150023 teaches transmitting (page 304, lines 6-11) link information that a recipient can employ to request the transmission of a specific video segment for display as a streaming video segment (page 303, lines 18-22), for the advantage of utilizing a small (thus bandwidth conserving), accessible means connecting a viewer to a streaming video segment (page 304, line 6-7).

It would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Gould and Hjelsvold to include transmitting link information that a viewer can employ to request the transmission of a specific video segment for display as a streaming video segment, as taught by XP-002150023 for the advantage of utilizing a small, accessible means for connecting a viewer to a streaming video segment.

Regarding claim 12, Gould and Hjelsvold, disclose the method of claim 10, but fail to disclose transmitting the video segment as a consequence of being sent a link in an e-mail.

In a related field of endeavor, XP-002150023 teaches transmitting (page 304, lines 6-11) link information in an e-mail (page 304, line 8) that a viewer can click (page 304, lines 1-3) to request the transmission of a specific video segment for display as a streaming video segment (page 303, lines 18-22), for the advantage of utilizing a small (thus bandwidth conserving), accessible, and

widely utilized means connecting a viewer to a streaming video segment (page 304, line 6-7).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Gould and Hjelsvold to transmit the video segment as a consequence of being sent a link in an e-mail, as taught by XP-002150023, for the advantage of utilizing a small, accessible, and widely utilized means for connecting a viewer to a streaming video segment.

Regarding claim 13, Gould and Hjelsvold, disclose the method of claim 10, and additionally disclose further sharing a video segment over a network after a first transmission (Gould, col. 10, lines 60-65), but fail to disclose transmitting the video segment embedded in a web page for display.

In a related field of endeavor, XP-002150023 teaches transmitting streaming video segments embedded in a web page (page 304, lines 1-7), for the advantage of allowing any browser enabled system to access a distributed video.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Gould and Hjelsvold to transmit the video segment embedded in a web page for display, as taught by XP-002150023, for the advantage of allowing any browser enabled system to access a distributed video.

Regarding claim 21, Gould and Hjelsvold disclose the system of claim 20, but fail to disclose the module adapted to share the video segment is adapted to distribute link information that a viewer can employ to request the transmission over the computer network of a specific video segment.

In a related field of endeavor, XP-002150023 teaches transmitting (page 304, lines 6-11) link information that a viewer can employ to request the transmission of a specific video segment for display as a streaming video segment (page 303, lines 18-22), for the advantage of utilizing a small (thus bandwidth conserving), accessible means connecting a viewer to a streaming video segment (page 304, line 6-7).

It would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Gould and Hjelsvold to include transmitting link information that a viewer can employ to request the transmission of a specific video segment for display as a streaming video segment, as taught by XP-002150023 for the advantage of utilizing a small, accessible means for connecting a viewer to a streaming video segment.

Regarding claim 22, Gould and Hjelsvold, disclose the system of claim 20, and additionally disclose further sharing a video segment over a network after a first transmission (Gould, col. 10, lines 60-65), but fail to disclose the module adapted to share the video segment is adapted to distribute a link to the video

segment in an e-mail for display of the video segment as a streaming video segment.

In a related field of endeavor, XP-002150023 teaches transmitting (page 304, lines 6-11) link information in an e-mail (page 304, line 8) that a viewer can click (page 304, lines 1-3) to request the transmission of a specific video segment for display as a streaming video segment (page 303, lines 18-22), for the advantage of utilizing a small (thus bandwidth conserving), accessible, and widely utilized means connecting a viewer to a streaming video segment (page 304, line 6-7).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Gould and Hjelsvold to transmit the video segment as a consequence of being sent a link in an e-mail, as taught by XP-002150023, for the advantage of utilizing a small, accessible, and widely utilized means for connecting a viewer to a streaming video segment.

Regarding claim 23, Gould and Hjelsvold, disclose the system of claim 20, and additionally disclose further sharing a video segment over a network after a first transmission (Gould, col. 10, lines 60-65), but fail to disclose the module adapted to share the video segment is adapted to distribute the video segment embedded in a web page for display as a streaming video segment.

In a related field of endeavor, XP-002150023 teaches transmitting streaming video segments embedded in a web page (page 304, lines 1-7), for

the advantage of allowing any browser enabled system to access a distributed

video.

It would have been obvious at the time to a person of ordinary skill in the

art to modify the method disclosed by Gould and Hjelsvold to transmit the video

segment embedded in a web page for display, as taught by XP-002150023, for

the advantage of allowing any browser enabled system to access a distributed

video.

Response to Arguments

6.   In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986). In this case, applicant identifies the fact that Hjelsvold does not teach or suggest

acquiring or uploading from a sender (page 10). As stated above, it is Gould who

teaches acquiring video information from a sender, and the combination of Gould and

Hjelsvold meet the claimed limitations.

7.   In response to applicant's argument that the examiner's conclusion of

obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA

1971). In this case, Gould teaches a means for transmitting videos between any two

points, and Hjelsvold teaches video distribution using a server. Gould suggests the use

of a server in the teaching found in col. 10, lines 60-65, where an acquired video is

further distributable over a network, and based on this teaching, it would be obvious to

one of ordinary skill in the art to then include the use of a server for video distribution

over a network as taught by Hjelsvold.

Conclusion

8.   Applicant's amendment necessitated the new grounds of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   The following are suggested formats for either a Certificate of Mailing or
Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with
all correspondence concerning this application or proceeding to establish a date of
mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in
such communication being considered as timely if the established date is within the
required period for reply. The Certificate should be signed by the individual actually
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DS

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